

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

DAVID WHITMORE,)	
)	
Petitioner,)	
)	
vs.)	Case No. CIV-12-1408-M
)	
JANET DOWLING, WARDEN,)	
)	
Respondent.)	

ORDER

On December 26, 2012, United States Magistrate Judge Gary M. Purcell issued a Report and Recommendation in this action. The Magistrate Judge recommends that petitioner's motion for leave to proceed in forma pauperis be DENIED and the action be dismissed without prejudice unless petitioner pays the full filing fee to the Clerk of the Court by January 10, 2013. The parties were advised of their right to object to the Report and Recommendation by January 15, 2013. On January 10, 2013 petitioner paid the filing fee in this case. No objection has been filed.

Upon de novo review, the Court:

- (1) ADOPTS the Magistrate Judge's Report and Recommendation [docket no. 5] issued December 26, 2012;
- (2) FINDS petitioner's Motion for Leave to Proceed in Forma Pauperis [docket no. 2] moot; and
- (3) RECOMMITS this case to the Magistrate Judge.

IT IS SO ORDERED this 5th day of February, 2013.


VICKI MILES-LaGRANGE
CHIEF UNITED STATES DISTRICT JUDGE